

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUNG LAM,
Plaintiff,
v.
CITY OF SAN JOSE, et al.,
Defendants.

Case No. 14-cv-00877-PSG
[PROPOSED] VERDICT FORM

VERDICT FORM

When answering the following questions and filling out this verdict form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the jury instructions. Please refer to the jury instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

1. Do you find by a preponderance of the evidence that Defendant Officer Dondi West used unreasonable force against Plaintiff Hung Lam?

Yes _____ No _____

If you answered “Yes,” then answer the next question. If you answered “No,” then proceed to Question 3.

2. Do you find by a preponderance of the evidence that Officer West substantially caused Mr. Lam to suffer any injury caused by Officer West’s unreasonable force in Question 1 above?

Yes _____ No _____

Proceed to the next question.

3. Do you find by a preponderance of the evidence that Officer West battered Mr. Lam?

Yes _____ No _____

Proceed to the next question.

4. Do you find by a preponderance of the evidence that Officer West interfered or attempted to interfere by threat, intimidation or coercion with the exercise or enjoyment by Mr. Lam of rights secured by the Constitution, the laws of the United States or the laws of California, causing harm to Mr. Lam?

Yes _____ No _____

Proceed to the next question.

5. Do you find by a preponderance of the evidence that Officer West was negligent in her conduct, thereby causing the shooting of Mr. Lam?

Yes _____ No _____

If you answered “Yes,” then answer the next question. If you answered “No,” stop here, answer no further questions and proceed to page 4.

1 6. Do you find by a preponderance of the evidence that Officer West's negligence was a
2 substantial factor in causing harm to Mr. Lam?

3 Yes _____ No _____
4

5 **If you answered "Yes," then answer the next question. If you answered "No," stop
6 here, answer no further questions and proceed to page 4.**

7 7. Do you find by a preponderance of the evidence that Mr. Lam was negligent?
8

9 Yes _____ No _____
10

11 **If you answered "Yes," then answer the next question. If you answered "No," stop
12 here, answer no further questions and proceed to page 4.**

13 8. Do you find by a preponderance of the evidence that Mr. Lam's negligence was a
14 substantial factor in causing his harm?

15 Yes _____ No _____
16

17 **If you answered "Yes," then answer the next question. If you answered "No," stop
18 here, answer no further questions and proceed to page 4.**

19 9. What percentage of responsibility for Mr. Lam's harm do you assign to the following:
20

21 Officer West _____ %
22

23 Mr. Lam _____ %
24

25 TOTAL 100 %
26

27 **Proceed to the next page.**
28

United States District Court
Northern District of California

1 Have the presiding juror sign and date this form.
2

3 Signed: _____
4

Presiding Juror

5 Dated: _____
6

7 After this verdict form has been signed and dated, notify the courtroom deputy that you are ready
8 to present your verdict in the courtroom.
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
SO ORDERED.
25

Dated: December 8, 2015



PAUL S. GREWAL
United States Magistrate Judge